

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

MARTIN J. WALSH, Secretary of Labor, )  
United States Department of Labor, )  
Plaintiff, )  
v. ) Civil Action No.:  
PROTECTION PLUS, INC., and RAYMOND )  
STANLEY, an individual, )  
Defendants. )

**COMPLAINT**

Pursuant to Section 217 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”), brings this action to enjoin and restrain the defendants PROTECTION PLUS, INC. (“Protection Plus”) and RAYMOND STANLEY (collectively, “Defendants”) from violating Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA and to recover unpaid compensation, plus an equal amount in liquidated damages pursuant to Section 216(c) of the Act (29 U.S.C. § 216(c)) for Defendants’ employees.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendants for compliance with the FLSA. The Secretary’s investigation reviewed Defendants’ employment and pay practices from May 13, 2018, through January 7, 2021 (the “Investigation Period”). Unless stated otherwise, all allegations and conditions described herein pertain to the Investigation Period.

### **Jurisdiction and Venue**

1. This Court has jurisdiction of this case. 29 U.S.C. §§ 216(c), 217 and 28 U.S.C. § 1345.
2. This Court is the proper venue because all or a substantial part of the events or omissions giving rise to these allegations occurred in this judicial district.

### **Defendants**

3. Defendant PROTECTION PLUS is a corporation within this Court's jurisdiction with an office at 2345 Lynhurst Drive, Suite 200, Indianapolis, Indiana 46241, where it conducts business.
4. PROTECTION PLUS is a security company providing on-site security at various businesses.
5. Defendant STANLEY has actively managed and supervised PROTECTION PLUS'S operations and its employees during the Investigation Period.
  - a. STANLEY hired and fired employees.
  - b. STANLEY set employees' work schedules.
  - c. STANLEY set employees' pay rates.
6. During the Investigation Period, Defendants engaged in business within Marion County, within this Court's jurisdiction.

### **The FLSA Applies to Defendants**

7. PROTECTION PLUS is an "enterprise" under the FLSA due to its related activities performed through unified operation or common control and for a common business purpose. 29 U.S.C. § 203(r).

8. PROTECTION PLUS is an “enterprise engaged in commerce” under the FLSA, because it had (i) two or more employees who are engaged in or produced goods for commerce; and (ii) an annual gross volume of sales or business done greater than \$500,000 during the Investigation Period. 29 U.S.C. § 203(s)(1)(A).

9. STANLEY is an individual “employer” under the FLSA because he has acted directly or indirectly in PROTECTION PLUS’s interests with respect to its employees. 29 U.S.C. § 203(d).

### **FLSA Violations**

#### *Overtime Violations*

10. Defendants repeatedly and willfully violated Sections 207 and 215(a)(2) of the FLSA when they failed to pay their employees one-and-one-half times their regular rates for hours worked in excess of 40 in a workweek. 29 U.S.C. §§ 207(a)(1), 215(a)(2).

11. For employees who performed work at a single regular rate during a workweek, Defendants repeatedly failed to pay one and a half times the regular rate for all hours worked in excess of forty.

12. For employees who performed work at different rates in a single workweek, Defendants repeatedly failed to pay one and a half times the weighted average of those rates for hours worked in excess of forty.

#### *Recordkeeping Violations*

13. Defendants repeatedly and willfully violated Sections 211 and 215(a)(5) of the FLSA when they failed to keep complete and accurate records for an employee. 29 U.S.C. §§ 211, 215(a)(5), 29 C.F.R. Part 516.

14. Defendants failed to accurately record the hours worked by one employee on each workday.

15. Defendants failed to accurately record the total hours worked by one employee worked each workweek.

### **Remedies Sought**

16. As a result of their FLSA violations, Defendants owe the employees listed in Exhibit A back wages and liquidated damages, under 29 U.S.C. §§ 216(c), 217. If Defendants continued to violate the FLSA after the Investigation Period, then Defendants may owe additional back wages and liquidated damages to employees.

17. Defendants may also owe additional back wages and liquidated damages, during the Investigation Period, to their employees whose identities the Secretary does not currently know.

18. Moreover, Defendants repeatedly and willfully violated Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA, because Defendants knew or showed reckless disregard for whether the FLSA prohibited their conduct.

19. Specifically, Defendants acted willfully when they persisted in paying employees less than their proper overtime rate for hours worked in excess of forty without regard to the Act's overtime and record-keeping requirements.

20. Defendants had notice about the FLSA's requirements by virtue of a prior investigation that revealed Defendants violated the FLSA by paying employees their regular rate for all hours worked in excess of forty hours. The Wage and Hour Division discussed these findings and the requirements of the FLSA with Defendants.

21. As a result of that investigation, Defendants agreed to come into compliance with the FLSA and to pay back wages and liquidated damages.

22. Given the prior investigation, Defendants' failure to correctly pay overtime and accurately record the number of hours an employee worked in a workweek demonstrates reckless or knowing disregard for the requirements of the FLSA's overtime and recordkeeping provisions.

23. Because Defendants repeatedly and willfully violated the FLSA, the Secretary is entitled to recover back wages and liquidated damages for a three-year period. 29 U.S.C. § 255(a).

#### **Prayer for Relief**

As a result of Defendants' repeated and willful FLSA violations, the Secretary respectfully requests this Court enter an Order:

A. Permanently enjoining and restraining Defendants, their officers, agents, servants, employees, and those in active concert or participation with them, from violating Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA. 29 U.S.C. § 217(a).

B. Finding Defendants liable for unpaid overtime wages, plus an equal amount in liquidated damages, owing to the employees listed in Exhibit A, as well as to other of Defendants' employees not yet known to the Secretary. 29 U.S.C. § 216(c).

C. If the Court declines to award liquidated damages, then enjoining and restraining Defendants, their officers, agents, employees, and those persons in active concert or participation with Defendants, from withholding unpaid compensation found owing to Defendants' employees, plus prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury under 26 U.S.C. § 6621.

- D. Providing such other relief as may be necessary and appropriate.
- E. Awarding costs and granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

**SEEMA NANDA**  
Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor

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of Labor*

**Exhibit A**

Allen, Joseph	Collins, Lindsey
Allen, Ronald	Conjelko, Kevin
Allison, Larry	Conner, Michael
Allman, Shauna	Cottongim, Frank
Anderson, Chris	Cox, Robert
Ash, Reginald	Crowell, Jerome
Attikisson Jr., Lynn	Davis, Renitta
Attlisson, Lynn Allen	Denney, Ariel
Bailey, David	DiSalvo, Zachary
Bailey, Lisa J	Dodson, Atalya
Baker, Karna	Douglas, Mason
Baker, Paul	Douglas, Raymond
Ballard, William M	Duncan, Kenneth
Beard, Caitlyn	Duncan, Tamika
Beaty, Roger	Dunham, Cathy
Bennett, Bruce	Dunham, Floyd
Bennett, Stacey	Erwin, Samuel
Benson, Robert	Evans, Cassie
Bentancourt, Jacob	Flanagan, Jimmy
Berry, Aaron	Fletcher, Theresa
Berry, Christopher	Ford, Anthony
Bevans, Eric	Gabriel, Dacelin
Biddle, Anthony	Gates, Raymond
Blake, Johnny	Gazvoda, Larry
Blanton, Alexis	Gibbs, Aaron
Bradshaw, James	Goldsberry, Catherine
Bridgeman, Michael	Golland, Deanna
Brinkman, Jeremy	Gonzalez, Sergio
Britton, Leonard	Goode, Tracy E
Brown, Zachary	Goodman, Chris
Brownlee, Mikayla	Grant-Thomas, Carrie
Bucci, Deborah L	Graves, Kelly
Burcham, Kenneth	Gray, Deasia
Burden, Alexander	Grayson, Tiffany
Burks White, Ty'waun	Gregory, Collins A
Burnett, Damon	Grimes, Marvin
Burnett, Davon	Hall, Matthew
Burris, Edward	Hardesty, Jake
Burton, James	Hargrave, Luke
Butcher, William	Harvey, Jordan C
Carman, Melissa	Heath, Philip
Chase, Donna	Heiney, Shannon
Christy, Ed	Hill, Dwond
Clark, Kaylee	Holmes, Shawn

House, Angel	Morgan, Robert
House, Henry	Mosinski, George
Howard, Michael	Mosley, Michael
Huffman, John	Mulkey, Glen H
Hutchings, Phyllis	Ndiaye, Malick
Hutchins, Earl	Neely, Sonya
Ingles II, William	Newson, Robert
Johnson, Japhia H	Northcutt, Ron E
Johnson, Jeremiah	Oden, Brian
Jones, Elvis	Parker, Ronetta
Keene, Kelvin	Patton, Kristal
Kendall, Roger	Pea, Michael
King, Craig	Petro, Jerry
King, Stephen	Pettigrew, William
Knotts, Larry	Phillips, Deon
Knue, James	Pitcock, Hunter
Knue III, James	Price Jr., Gregory
Kutruff, Victoria	Province, Franklin
Lain, Bawi Za	Puente, Quenton
Lamon, Nora	Puente, Steve
LaPlante, Reginald B	Pullins, Fred
Lewis, Cheyanna	Quakenbush, Greg
Lewis, Debbie	Ray, Devaan
Lewis, Ernest	Reeves, Gerald
Lightcap, Daniel	Richardson, Jackie
Line, Jeffrey	Richardson, Norine
Livingston, Matthew	Richardson, Richard
Lynn, Shaelie	Riley, Gregory
Maciel, Andrew	Robinson, Anna
Mack, Brian	Rodriguez, Edward
Mansaree, Bakary	Rogers, Antwann
Martin, Jason	Rosales, Martin
Mcbee, Nathan	Santiago, Vincent
Mcclain, Michael	Saylor, Frank
McDaniel, Aaron	Scurlock, Chardae
McDaniel, Melissa	Serf, Andrea
McDaniel, Steve	Shannon, Toni
McPeek, Quinten	Shoulders, Zaavier
McQuinn, Cristina	Shriner, Christina
Meade, Ronald	Simpson, Robert
Medsker, James	Smilko, Robbie
Meola, Ralph	Smith, Dana
Mikels, Norman	Smith, Tyrae
Miranda, Jose A	Smock, Misty
Montgomery, Linda	Smock, Ronald
Moore, Terry R	Sprong, Jonathon

Stephens, Michael  
Stephens, Shannon  
Stigall, Jeff A  
Sullivan, Melissa  
Telfair, Darrell  
Terhune, Robert  
Terrell, Liebe L  
Thomas, Robert  
Thomas, William  
Till, Tyler  
Toliver, Tiaan  
Treece, Matthew  
Tuchek, Jacob  
Turner, Shurea  
Vaughn, Stephen L  
Vest, David  
Ward, Jordan  
Warren, Craig  
Webb, Cody  
Webb, Paul  
Wilbers, John  
Wilder, Markee  
Williams, Andre  
Williams, Desmond  
Williams, Donte  
Williams, Marie S  
Williams, Mario S  
Williams, Marshall  
Willoughby, Jasmine  
Willoughby, Lela  
Wilson, Demyshia M  
Wray, Quanita  
Wright, Audra  
Wright, Khryishna  
Young, Bobby